IN RE: PETITION FOR VARIANCE
W/S Melbourne Road, 100' S
centerline of Dogwood Drive
12th Election District
7th Councilmanic District
(1518 North Rolling Road)

Abby & William James Petitioners

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 02-188-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Abby and William James. The Petitioners are requesting variance relief for property they own at 1748 Melbourne Road. Specifically, the variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and involves a shed with a 0 ft. side yard setback and a carport with a 1 ft. 11 in. setback, both of which are located in their rear yard.

Appearing at the hearing on behalf of the variance request were William and Abby James, owners of the property. There were no Protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 3,795 sq. ft., zoned D.R.10.5. The subject property is an end-of-group townhouse dwelling. The Petitioners recently purchased the subject dwelling and have made a tremendous amount of improvements to same. In the rear yard they have constructed a carport and storage shed for their purposes. The rear of the property is serviced by a concrete alleyway which allows them access to park their vehicles under the carport. In order to keep and maintain the structures in their present location, the variance request is necessary. The Petitioners



submitted into evidence a petition signed by their neighbors, all of whom support them in their variance request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this day of January, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing shed with a 0 ft. side yard setback and an existing carport with a 1 ft. 11 in. setback, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

MOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 10, 2002

Mr. & Mrs. William James, Sr. 1748 Melbourne Road Dundalk, MD 21222

> Re: Petition for Variance Case No. 02-188-A

> > Property: 1748 Melbourne Road

Dear Mr. & Mrs. James:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,
Luthy Hotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



## to the Zoning Commissioner of Baltimore County

for the property located at 1748 Melhourne Rd.

which is presently zoned **D**.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

How, I to permit side yard setback for two accessory structures (shed and carport) of oft, and ift. Il inche respectively in lieu of the required at ft. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) We would like to build a car port to keep elements cff our cars. The birds sit on wires that run across our parking los and leave their dropping on our cars. Also we are covering the concrete pad which was there. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Signature Address Telephone No. City Zip Code State Attorney For Petitioner: Name - Type or Print Signature Company

Telephone No.

Zip Code

RDER RECEIVED FOR FILING

Address

še No.

9|15|98

02-188-A

,,,		, 0.0p., 0., 0.		
Dundalk city	M D State	21222 Zip Code		
Representative to be Contacted:				
Name	<del></del>			
Address		Telephone No.		
City	State	Zip Code		
OFFICE	E USE ONLY			
ESTIMATED LENGTH	OF HEARING			
UNAVAILABLE FOR PREVIEWED BY BR		11/07/01		

#### ZONING DESCRIPTION FOR 1748 MELBOURNE

Beginning at a point on the <u>West</u> side of <u>Melbourne Rd</u> which is <u>60 ft</u>, wide at the distance of <u>100 feet soath</u> of the centerline of the nearest improved intersecting street <u>Dogwood Dr.</u> which is <u>60 ft</u> wide.

Being Lot # 79, Block <u>C</u> Section # in the subdivision of <u>Eastcrest</u> as recorded in Baltimore County Plat Book # <u>23</u>, Folio # 1/3 containing 3,795.00 square feet. Also known as 1748 Melbourne Rd and located in the 12 Election District, <u>7</u> Councilmanic District.

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Battlmore County, by authority of the Zoning Act and Regulations of Battlmore County will hold public hearing in Towson Maryland on the property identified herein as follows:

Case: #02-188-A 1748 Melbourne Road W/S Melbourne Road, 100 W/S Melbourne Road, 100
S centerline Dogwood Drive
12th Election District
7th Councilmanle District
Legal Owner(s): Abby Smith
& William Abby James, Sr.
Variance: to permit side
yard setbacks for two accessory structures (shed
and carport) of zero feet
and 1 foot 11 inches respectively in Ileu of the required 2½ feet.
Hearing: Wednesday, January 9, 2802 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT LAWRENCE E. SCHMID1
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For Information con-

(2) For Information con-cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-

JT/12/742 Dec. 25 C512610

### **CERTIFICATE OF PUBLICATION**

12/27/,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 12 25 ,2001.
🗡 The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkinson
LEGAL ADVERTISING

## CERTIFICATE OF POSTING

	RE: Case No.: 02 - 180-A
•	Petitioner/Developer: ABBY Smith
	-JAMES I WILLIAM JAMES SR
	Date of Hearing/Closing: _//9/02_
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
	perjury that the necessary sign(s) required by law ocated at 1748 MELBOURNE R
were posted conspicuously on the property lo	ocated at 1748 MELBOURNE IZ
were posted conspicuously on the property lo	ocated at 1748 MELBOURNE IZ
were posted conspicuously on the property lo	
were posted conspicuously on the property lo	12/25/1  Cocated at 1748 MELBOURNE Re  (2 /2 S/01  (Month, Day, Year)  Sincerely,
were posted conspicuously on the property lo	/2 /2 S/J/ (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)
The sign(s) were posted on	12/25/1  Cocated at 1748 MELBOURNE R  (Month, Day, Year)  Sincerely,
The sign(s) were posted on	Cocated at 1748 MELBOURNE R.  12 /2 S/01  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK
The sign(s) were posted on	Cocated at 1748 MELBOURNE R.  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK  (Printed Name)
The sign(s) were posted on	Cocated at 1748 MELBOURNE R.  12 /2 S/01  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK  (Printed Name)  1508 Leslie Rd
The sign(s) were posted on	Cocated at 1748 MELBOURNE R.  /2 /2 S/01 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)
The sign(s) were posted on	Cocated at 1748 MELBOURNE R.  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date)  SSG ROBERT BLACK  (Printed Name)  1508 Leslie Rd  (Address)  Dundalk, Maryland 21222



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, poin at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: William + Abby James Sr.
Address or Location: 1748 Melbourne Rd Balto. MD 21222
PLEASE FORWARD ADVERTISING BILL TO:
Name: William & Abby James Sr.
Address: 1748 Melbourne Rd.
Baltimore, MD 21222
Telephone Number: 410 - 284 - 4831

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 25, 2001 Issue - Jeffersonian

Please forward billing to:

William James Sr 1748 Melbourne Road Baltimore MD 21222

410 284-4831

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-188-A 1748 Melbourne Road WS Melbourne Road, 100' S centerline Dogwood Drive 12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Abby Smith & William Abby James Sr

<u>Variance</u> to permit side yard setbacks for two accessory structures (shed and carport) of zero feet and 1 foot 11 inches respectively in lieu of the required 2 2/1 feet.

HEARING: Wednesday, January 9, 2002 at 2:00 p.m. in Room 407, County Courts

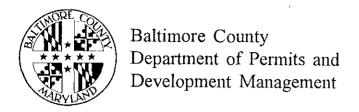
Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  $G \supset \mathcal{I}$  ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

December 13, 2001

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-188-A 1748 Melbourne Road WS Melbourne Road, 100' S centerline Dogwood Drive 12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District Legal Owners: Abby Smith-James & William James Sr

<u>Variance</u> to permit side yard setbacks for two accessory structures (shed and carport) of zero feet and 1 foot 11 inches respectively in lieu of the required 2 2/1 feet.

HEARING: Wednesday, January 9, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

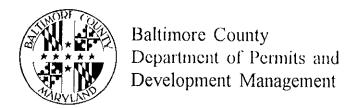
Arnold Jablon 6ワて Director

C: Abby S. & William James, Sr, 1748 Melbourne Road, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 25, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 4, 2002

William & Abby James Sr 1748 Melbourne Road Dundalk MD 21222

Dear Mr. & Mrs. James:

RE: Case Number: 02-188-A, 1748 Melbourne Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 7, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. らりてっ Supervisor, Zoning Review

W. Carl Ruchards, Jr.

WCR: gdz

**Enclosures** 

c: People's Counsel

Sh. 1/9

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 26, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 10, 2001

Item Nos.176, 177, 178, 179, 181, 184, 185, 186, 187, 188, 189, 193, 190, 191, 193, 194, 195, 196, 197, 198, 199, and

223

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 190, 191, 192, 193, 195, 198, 199, 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ТО:	Arnold Jablon
FROM:	Todd G. Taylor 78
DATE:	1/07/02
SUBJECT:	Zoning Item 188 Address 1748 Melhoune Road
Zoning	g Advisory Committee Meeting of 12/3/01
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
_X_	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
	Additional Comments:
Revies	ver: Kieth Kellev Date: 12/17/01

Serila

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 17, 2001

1 3

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-188 & 02-191

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/JL:MAC



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 12.11.01

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

**Baltimore** County

Item No. BR

Dear, Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

J. J. Gredle

RE: PETITION FOR VARIANCE 1748 Melbourne Road, W/S Melbourne Rd, 100' S of c/I Dogwood Dr 12th Election District, 7th Councilmanic

Legal Owner: William T. James, Sr. & Abby Smith-James
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

Case No. 02-188-A

#### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

Old Courthouse, Room 4/

400 Washington Avenue

Towson, MD 21204 (410) 887-2188

**CERTIFICATE OF SERVICE** 

2044

I HEREBY CERTIFY that on this 19<sup>th</sup> day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to William T. James, Sr. & Abby Smith-James, 1748 Melbourne Road, Baltimore, MD 21222, Petitioners.

PETER MAX ZIMMERMAN

#### TO WHOM IT MAY CONCERN:

We, the neighbors of Mr. & Mrs. James, at 1748 Melbourne Road, Baltimore, Maryland 21222 approve of the porch cover and the carport under construction at this time. They have improved the appearance of the neighborhood in the short time they have owned the house.

#### **BILL & ABBY JAMES**

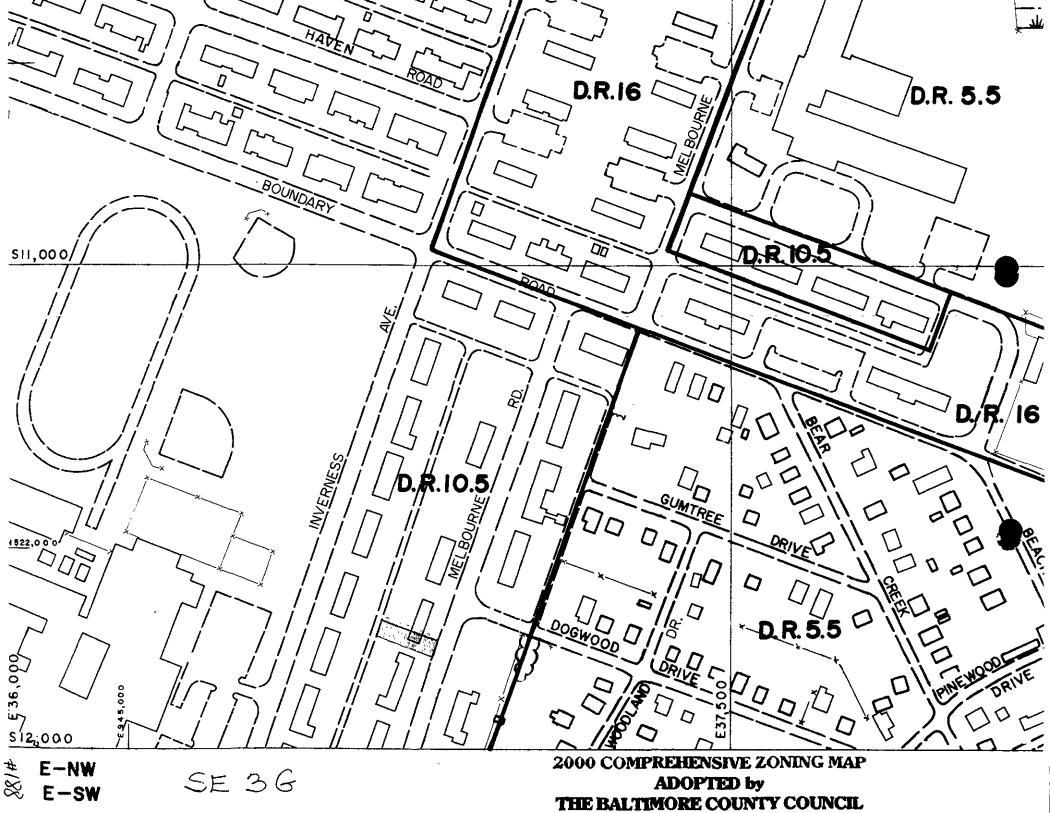
Name. Shuley Drewnling Address 1740 Melbruse Road	Date 10-26-01
Name Orys Rolanson Address 1846 972 Mourne Rd.	16-26-01
Name asy Sillo Address 1741 MERBURPERD	16-76-CC
Name Lang R. W. Dex Address 1750 methourse Rd.	10-29-61
Name May Wiley Address 1750 Mal Down Rd	10-29-01

#### TO WHOM IT MAY CONCERN:

We, the neighbors of Mr. & Mrs. James, at 1748 Melbourne Road, Baltimore, Maryland 21222 approve of the porch cover and the carport under construction at this time. They have improved the appearance of the neighborhood in the short time they have owned the house.

#### **BILL & ABBY JAMES**

Name. LISA K. CRAWford Address 1751 INVERNESS AVE	Date // 4/0/
Name Edward Maans Address 1751 INVERNESS AVE	Date 11 /4 /0 /
Name Edmand L. Dietz Address 1749 Inverness Ave	Date /1/4/000
NameAddress	Date
NameAddress	Date





Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

A Day of A

Printed with Soybean Ink

